

ENTERED

March 07, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THE HANOVER INSURANCE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-16-2950
	§	
ROSALIND C. LEWIS, MARK	§	
PARTICKA, HAROLD HARDIN, and	§	
AVA KATHERINE HARDIN,	§	
	§	
Defendants.	§	

ENTRY OF DEFAULT AND FINAL DEFAULT JUDGMENT

The plaintiff, The Hanover Insurance Company, filed an Application for Default Judgment against the defendants, Rosalind C. Lewis, Mark Particka, Harold Hardin, and Ava Katherine Hardin. (Docket Entry No. 15). The court finds that summons was properly served on the defendants and filed with the Clerk of Court. The defendants have failed to appear.

Default is entered under FED R. CIV. P. 55. The record, including the affidavit of Brian Lebrun and the declaration of Robert M. Fitzgerald, with the supporting documents attached to the motion, shows that the damages against the defendants are liquidated, and that the measure of the plaintiff's principal damages and reasonable and necessary attorney's fees can be accurately calculated by referring to the allegations in the complaint and in the affidavit of Brian Lebrun and the declaration of Robert M. Fitzgerald. Final default judgment is therefore entered.

The court finds that the defendants are liable to the plaintiff, jointly and severally, under a written indemnity agreement in the principal sum of \$1,289,535.71, representing the net losses and expenses incurred and paid by the plaintiff as a result of the claims and demands made against the

plaintiff under various surety bonds issued by the plaintiff on behalf of the principal, Rozco Contracting, Inc., on public works construction projects in Texas.

The court further finds that the plaintiff is entitled to an award of reasonable and necessary attorney's fees through trial, in the amount of \$1,500.00.


The court further finds that the plaintiff is entitled to an award of taxable costs of court, and postjudgment interest at the statutory rate on this judgment until it is paid.

The court orders that:

The plaintiff, The Hanover Insurance Company, recover from the defendants, Rosalind C. Lewis, Mark Particka, Harold Hardin, and Ava Katherine Hardin, jointly and severally, the principal amount of \$1,289,535.71, plus reasonable and necessary attorneys' fees in the amount of \$1,500.00, plus costs of court in the amount of \$400.00, and postjudgment interest at the rate of .82% per annum on the amount of this default judgment from and after the date of entry until paid in full.

This is a final judgment.

SIGNED on March 7, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge